



DOCKET FILE COPY ORIGINAL
1225 19th Street, NW Washington, DC 20036-2453
202-955-6067 fax 202-822-0109 www.wliaonline.org

April 6, 2001

RECEIVED

APR 6 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Via Courier

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Comments of Wireless Location Industry Association, WT Docket No. 01-72

Dear Ms. Salas:

Pursuant to §1.419(b) of the Commission's rules, enclosed please find an original and eleven copies of the Comments of the Wireless Location Industry Association on the Petition of the Cellular Telephone Industry Association for Rulemaking in the above-referenced docket. Ten copies are for distribution to the Commissioners' offices, the bureau, the information office, and your own office as provided in the rules. Please stamp as received and return the eleventh copy in the enclosed self-addressed envelope.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Jimison", is written over the typed name.

John W. Jimison, Esq.
Executive Director and General Counsel
Wireless Location Industry Association

cc: Hon. Michael K. Powell, Chairman
Hon. Harold Furchtgott-Roth, Commissioner
Hon. Susan Ness, Commissioner
Hon. Gloria Tristani, Commissioner

No. of Copies rec'd 0+10
List A B C D E

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED

APR 6 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of Petition for)	
Rulemaking to Establish Fair)	WT Docket No. 01-72
Location Information Practices)	

**COMMENTS OF THE
WIRELESS LOCATION INDUSTRY ASSOCIATION**

Introduction

Pursuant to the Public Notice issued by the Wireless Telecommunications Bureau on March 16, 2001, the Wireless Location Industry Association ("WLIA") hereby provides its initial comments on the Petition of the Cellular Telecommunications Industry Association (now the Cellular Telecommunications & Internet Association) ("CTIA") for a Rulemaking to Establish Fair Location Information Practices.

The WLIA is a relatively new industry association organized in November, 2000, and incorporated in January, 2001, to represent all companies whose major business focus is the technology and applications related to the emerging ability to locate the precise geographic origin of wireless signals. WLIA's member companies represent various technical approaches to the challenge of determining wireless signal location, including GPS satellite technologies, network technologies, other technologies, and hybrid approaches. Some member companies are involved primarily in technology development, some in hardware, some in software, some in end-use applications, some in other facets of the potential commercial promise of wireless signal location. Member companies are headquartered in the United States, Canada, Europe, and the

Middle East. What WLIA's member companies all share, however, are commitments (1) to develop their new industry so that it is perceived as offering great added value to the wireless device-using public, and (2) to do so without the intrusion into personal privacy that is so widely feared.

The Commission's E911 proceeding has provided crucial impetus to the wireless signal location industry by creating a public-policy mandate for the development and deployment of the most critically needed application of this new technical capability – the ability to provide emergency response personnel the precise location of a wireless device user in desperate need of assistance. WLIA and its members support the Commission's efforts to carry the E911 process forward to successful completion.

WLIA's Interest in This Proceeding

On November 22, 2000, CTIA petitioned the Commission for a rulemaking to implement Sections 222 (f) and (h) of the Communications Act of 1934, as amended by the Wireless Communications and Public Safety Act of 1999 (PL 106-81) ("WCPSA"). As is fully detailed in the CTIA Petition, WCPSA included information concerning a wireless user's location as among the Customer Proprietary Network Information ("CPNI") that a carrier was required to manage access to and use of in accordance with the law. CTIA urged the Commission to move forward with implementation of these provisions of WCPSA separately from its pending proceeding on the management of other forms of CPNI (CC Docket No. 96-115). In doing so, CTIA requested that the Commission adopt privacy principles approved by the CTIA Board of Directors, principles based on the Federal Trade Commission's Fair Information Practices.

WLIA supports the CTIA's Petition and the adoption of general privacy principles to be followed by wireless carriers. Although many WLIA members are also members of CTIA, WLIA's own members are not generally wireless communications carriers regulated by the Commission, to whom such adopted regulatory policy would directly apply. Instead, WLIA members are companies who will provide wireless signal location technology and applications to the public, most often in business relationships with the regulated carriers. The carriers will be customers and business partners of WLIA members, purchasers of WLIA members' products and services, and in most cases the critical link between WLIA members and the wireless device users who will benefit from the new technology and its applications. In this respect, WLIA fully shares the concern expressed in the CTIA petition that the issues of potential infringement of personal privacy through the use of this new technology be addressed proactively and positively by the entire industry.

No one has greater incentive to assure that customers' privacy is protected in the use of wireless signal location technology and applications than the members of WLIA. This is because their central business focus and hope for commercial success depends in many cases on the ready acceptance of the benefits of their technology and services by the consuming public. If wireless users, out of concern that their privacy would be compromised, refuse to participate in wireless location services, WLIA's members are unlikely to succeed in their business objectives. While the wireless communications industry in general might continue to thrive even in the absence of consumer-supported wireless signal location applications, most of WLIA's members would have to reorient their business models in entirely different directions. Meeting public concerns about privacy is therefore a key objective of the WLIA on behalf of its members. WLIA is pleased to

support and participate in this initiative of the CTIA as a part of its efforts to meet those concerns.

WLIA's Own Efforts to Assure Privacy Protection

Meanwhile, WLIA has begun a process of adopting binding privacy standards for its own members that dovetail well with the standards CTIA has proposed for adoption by the Commission. Appended to this pleading are two documents: the privacy standards process the WLIA is currently implementing, and the draft standards that WLIA members have reviewed and made available for public reaction and comment under that process. WLIA has revised and anticipates revising these standards further in accordance with those comments, and formally adopting them later this year. At that point, all WLIA members will be bound to abide by those standards. WLIA members will also be required to develop, maintain, and abide by their own individual and consistent privacy policies, which the draft standards suggest WLIA would certify as consistent with the Association's standards. The draft standards further suggest that WLIA would then serve as an available forum to which any consumer who alleged that his privacy rights had been abused could bring his complaint if he failed to obtain satisfaction from the company involved. Companies with a pattern of unresolved complaints judged to be valid by the WLIA's Board after review by the WLIA's Committee on Standards and Self-Regulation could be denied membership privileges, expelled from the WLIA, and potentially reported by the WLIA itself to the relevant public authorities for appropriate review and potential action.

Substantive Comments

WLIA believes, as the CTIA Petition effectively proposes, that there should not be any

effort to preemptively control the form or type of technology employed in wireless signal location, or regulate the potential applications that may or may not win the competition for the favor of wireless users. The promise of this new technology should be allowed to be developed without governmental intervention intended to prevent the possibility of abuse, because to do so would likely prevent consumer access to benefits that could be offered without any abuse. Instead, the focus should be, as the CTIA proposes, in adopting clear standards for respect of individual consumer privacy that all technologies and applications would be expected to observe, with the clear intent and ability to react when and if abusive practices nonetheless emerge. By the same token, adopted privacy standards should not be too highly elaborated or detailed in a vain effort to anticipate the precise applications and potential abuses that may develop over the coming years. The actual language of the adopted standards should instead be general, while firm, to give technology and application developers, as well as carriers, the maximum flexibility to meet the privacy objectives they will share with their customers.

As CTIA notes (CTIA Petition, page 8, n. 21), the Commission has adequate power to enforce adopted standards over its regulated entities. A new enforcement mechanism is unnecessary. In the same vein, the WLIA's self-regulatory mechanism is designed to create for non-regulated participants in the wireless signal location industry significant disincentives for activities that abuse customer privacy and penalties if those abuses nonetheless arise. The WLIA will work with the Commission, the FTC, the Congress, and others to develop general confidence that such self-regulation deserves a chance to operate before any externally imposed regime should be developed. As noted above, such confidence among the public in general as well as among public policy makers is critical to the growth and success of the wireless location

industry.

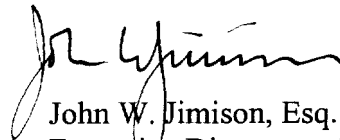
With regard to specific aspects of the CTIA's proposal, WLIA has the following observations:

- CTIA does not propose the actual language of the standards it would have the Commission adopt, nor a specific process it proposes the Commission should undertake to create and adopt those standards. WLIA believes that should the Commission, after reviewing the comments on the CTIA Petition, agree that the adoption of privacy standards is warranted, the Commission should notice for separate comments a proposed procedure for developing those standards. This procedure should provide for at least one public workshop or other opportunity for interested parties to discuss any proposed language with each other and the Commission staff.
- CTIA omits a separate element of its standards assuring customer **access** to any collected location information. CTIA does so on the basis that location information is likely only to be ephemeral and not stored (CTIA Petition, page 10, n. 25). While WLIA agrees with CTIA's assessment that it is unlikely that applications would find value in preserving location information, WLIA believes that the adopted standards should nonetheless make clear that to the extent any personally identifiable location information data is maintained as a function of an application, the customer must be provided convenient access to that data and the right to ask that it be corrected or deleted.
- With regard to informing customers about collection of location information, the standards should clearly provide that **only** in applications where a customer's own individual information is being collected and linked to that customer's identity is the customer's individual privacy involved. Applications which observe the locations of a stream of wireless signals on a highway, or masses of wireless signals for such purposes as determining general concentrations of wireless activity, for example, could wrongly be precluded by any requirement to obtain in advance the permission of each wireless user to locate the origin of his signal. This may be the intent expressed by CTIA on page 6-7, n. 15, but WLIA believes it should be made quite clear in any adopted policy.
- The meaning of any "safe harbor" provision applying to a company which "ascribes to" the privacy principles, as proposed by CTIA (CTIA Petition, page 3), must obviously be fully developed in the course of the process. Companies who make a good-faith effort to implement and abide by the adopted privacy principles should not be penalized if they commit inadvertent mistakes without consequential damage; only those who deliberately flout the adopted policies or commit gross negligence which results in provable damages should be subject to penalties.

Conclusion

In conclusion, WLIA supports the goals of the CTIA Petition. WLIA urges the Commission to adopt it and commence a rulemaking proceeding which will result in consensus and effective privacy principles applying to wireless signal location information and its use and collection by wireless communications carriers.

Respectfully submitted,



John W. Jimison, Esq.
Executive Director and General Counsel
Wireless Location Industry Association
1225 19th Street, N.W., Suite 800
Washington, D.C. 20036-2453
Telephone: 202-955-6067
Fax: 202-822-0109
Email: jjimison@wliaonline.org

April 6, 2001

Attachment 1
DRAFT PRIVACY STANDARDS
Subject to Revision and Approval by WLIA Members
April 6, 2001

DRAFT WLIA PRIVACY POLICY STANDARDS

V. Introduction

The Wireless Location Industry Association (WLIA) has decided to establish guidelines for member companies setting acceptable standards for protection of the individual privacy of users of wireless devices that may be located using signal location technology. The standards will govern use and compilation of personally identifiable data, including location information linked to individuals, and will prescribe responsible practices in the emerging wireless signal location (WSL) industry. These guidelines address the creation of a privacy policy, notification of data collection and usage, choice and consent, data security, access and enforcement.

VI. Purpose and Acknowledgements

Adoption of these guidelines serves clear notice that WLIA and its members support protection of consumer privacy. WLIA members wish to foster a climate of trust that allows consumers to have confidence in the treatment of their personally identifiable data by WSL providers and others involved in the industry. This will enable companies in the WSL industry to develop technologies and provide high quality service to consumers, resulting in long-term and mutually beneficial relationships that achieve the added value implicit in the technology without penalty to individual privacy.

These principles and guidelines were developed with input from WLIA members, government officials, privacy advocates and others in the wireless industry. WLIA was guided by the fundamental principles of fair information practice, as articulated by the Online Privacy Alliance, the Cellular Telecommunications & Internet Association, and the Wireless Advertising Association. These standards strive to be consistent with the principles set forth in the Federal Trade Commission's May 2000 Report to Congress, *Privacy Online: Fair Information Practices in the Electronic Marketplace*.

III. Definitions

"Personally Identifiable Data" is defined as information that can be used to identify a person uniquely and reliably, including but not limited to name, address, telephone number, e-mail address and account or other personal identification number, as well as any accompanying data linked to the identity of that person. WLIA regards the subscriber's wireless telephone number as a clear link to that person's identity. Information identifying the geographic origin of a wireless signal is considered Personally Identifiable Data when and if it is linked to or associated with any other Personally Identifiable Data as defined herein.

Attachment 1
DRAFT PRIVACY STANDARDS
Subject to Revision and Approval by WLIA Members
April 6, 2001

“Consumer” is defined as an individual person who is identifiable by use of personally identifiable data.

“Non-Personally Identifiable Data” is defined as information not uniquely and reliably linked to a particular person, including but not limited to activity on a wireless network such as anonymous location or aggregate location statistics. Information identifying the geographic origin of one or more signals is considered Non-Personally Identifiable Data provided that information is not linked to or associated with any Personally Identifiable Data.

“Wireless Push Advertising” (Push Messaging) is defined as any content sent by or on behalf of advertisers and marketers to a wireless mobile device at any time other than when the subscriber requests it. Push Messaging includes audio, short message service (SMS) messages, e-mail, multimedia messaging, cell broadcast, picture messages, surveys, or any other pushed advertising or content.

“Wireless Pull Advertising” (Pull Messaging) is defined as any content sent to the wireless subscriber upon request shortly thereafter on a one-time basis. For example, when a customer requests the local weather from a WAP-capable browser, the content of the response, including any related advertising, is Pull Messaging.

“Standard Opt-In” is defined as a process that requires active choice on the part of the wireless subscriber to express permission or consent. For example, pushing the “locate me” button on a wireless handset is an expression of permission to be located.

“Confirmed Opt-In” is defined as a process of verifying a consumer’s permission each time the service is provided. For example, in order to ensure that Push Messaging is not accidentally sent to the subscriber’s wireless mobile device, an advertiser sends a message to the subscriber to which he or she must positively reply in order to confirm permission to start receiving Push Messaging.

“Wireless Spam” is defined as Push Messaging that is sent without Confirmed Opt-In.

“Opt-Out” is defined as means by which the consumer subscriber takes action to withdraw permission whether or not he or she has previously opted in.

IV. General Standards

Each WLIA member will adopt an individual privacy policy consistent with the provisions presented hereinafter that is readily available to consumers at the time that they consider or agree to participate in any location-based service.

Attachment 1
DRAFT PRIVACY STANDARDS
Subject to Revision and Approval by WLIA Members
April 6, 2001

Each WLIA member will appoint an individual identified as having primary responsibility for its privacy policy, with responsibility for terminating any company activities contrary to the company's privacy policy.

Each WLIA member will notify customers when entering business relationships and will inform the general public on its web-site as to how any personally identifiable location information may be generated and/or used in its business, and its practices to protect the privacy and appropriate use of that information.

Each WLIA Member will make every effort to ensure that personally identifiable data is accurate and secure, and will allow wireless subscribers reasonable and convenient access to any of their own personally identifiable data retained by the Member, if any, to review or correct it, or to request its deletion.

Each WLIA Member shall address all complaints about consumer privacy in a fair and timely manner, and will notify all customers that if they are unsatisfied with the resolution of their complaint, they may bring their complaint to the WLIA, as well as instructing them how to do so.

Where the generation and/or use of personally identifiable data is not an intrinsic feature of the application a customer has chosen, each WLIA member will offer consumers all reasonable options regarding the generation and/or use of personally identifiable data.

Each WLIA Member will use personally identifiable data solely for the purposes for which it was obtained and intended with the knowledge of the customer or device user, and not for any other purposes without Confirmed Opt-in permission. Where an application does not use or require any personally identifiable data, such as in aggregated observation of multiple signals (eg., in traffic flow monitoring, wireless system performance evaluation, etc.), Confirmed Opt-In permission is not required.

Each WLIA Member will assure that any technical capability to determine signal location cannot be and will not be used to intercept or monitor the content of wireless communications.

Each WLIA Member will assure that it does not engage in nor condone wireless spam.

V. Nature and Content of Member Privacy Policies

Privacy policies should be easy to find, read and understand. The policy must be available to the consumer prior to or at the time that personally identifiable data is collected or requested. The policy must be accessible either on the service contract or on wireless devices, when technically

Attachment 1

DRAFT PRIVACY STANDARDS

Subject to Revision and Approval by WLIA Members

April 6, 2001

feasible, or both, and available elsewhere, including but not limited to company Web sites. WLIA members should notify consumers of any substantive changes to their privacy policies and the reason for the change, including changes related to change in ownership of the WSL provider. Members should also take steps to ensure that these standards are adopted and/or made a condition of doing business with business partners, technology providers and other partners. The policy must state clearly the following:

- A. The nature of the information being used and/or collected.
- B. The Member's policy on data storage, including whether any personally identifiable data is stored on a long-term basis.
- C. The choices available to an individual regarding such data use or collection, e.g. whether particular information is mandatory or optional.
- D. The use of that information, including possible third-party distribution of that information.
- E. A statement of the organization's commitment to data security.
- E. The specific steps that the organization takes to ensure data quality and access by the consumer to their own personally identifiable data.

VI. Choice and Consent

Each WLIA Member will give each consumer for whom location is personally identifiable data the maximum reasonable opportunity to exercise choice regarding whether and when he or she wishes to be located and how his or her personally identifiable data is used and/or stored. WLIA members are not limited by the current state of technology in their efforts to develop simple and effective consent mechanisms.

Each WLIA Member will highlight portions of subscriber agreements indicating that the subscriber agrees to be located when he or she activates specific location-based features or services. For such features or services, subscribers will be considered to have given Standard Opt-In permission. WLIA members should notify, and seek Standard Opt-In consent from, subscribers of new services. Subscriber agreements and, where technologically feasible, wireless devices shall provide clear, easy to perform instructions on how to Opt-Out or disable the various location-based services.

VII. Data Security and Cooperation with Law Enforcement

Attachment 1

DRAFT PRIVACY STANDARDS

Subject to Revision and Approval by WLIA Members

April 6, 2001

Each WLIA Member creating, maintaining, using or disseminating personally identifiable data must take appropriate measures to assure its reliability and must take reasonable precautions to protect it from loss, misuse or alteration. Each WLIA Member must take reasonable steps to ensure that third party recipients of such information are also made fully aware of these security practices, and that the third parties will also take reasonable precautions to protect transferred information.

In the event that access to personally identifiable information about an individual is sought by law enforcement officers or agencies, each WLIA Member will cooperate fully, but only upon the presentation of a court order to cooperate equivalent to that which would be required to obtain the same information directly from the individual concerned, and, where not precluded by that court order, with notice to that individual.

VIII. Data Quality and Access

Each WLIA Member will make every effort to avoid storing or maintaining records containing personally identifiable data for any longer than necessary to accomplish the purpose for which such information is necessary.

Each WLIA Member will also establish appropriate processes or mechanisms so that inaccuracies in personally identifiable data, such as account information, may be corrected. These processes and mechanisms should be simple and easy to use, and provide confirmation that inaccuracies have been corrected.

Each WLIA Member will honor requests from subscribers to totally delete their personally identifiable data in the event they terminate their subscriptions to the Member's service.

IX. WLIA Certification Process

Each WLIA Member will submit its privacy policy to the WLIA for certification that the policy is in accord with these standards, and will receive a letter acknowledging such certification. Upon receipt of the letter, each Member will post with its privacy policy on its web-site a notice that it has been certified by the WLIA, together with the WLIA logo and a link to the WLIA web-site. The notice shall include an advisory that any customer who is unsatisfied with the Company's response to a privacy-related complaint after fully pursuing resolution with the company directly may contact the WLIA for further assistance.

WLIA Members are encouraged to seek as well certification from independent privacy policy review agencies.

Attachment 1

DRAFT PRIVACY STANDARDS

Subject to Revision and Approval by WLIA Members

April 6, 2001

X. Customer Dispute Resolution Services

WLIA will offer any consumer or user of wireless devices who has failed to receive satisfaction from a WLIA Member on a privacy-related complaint an opportunity to present its complaint to WLIA. WLIA's Committee on Standards and Self-Regulation will hear and consider that complaint, hear and consider the Member company's explanation of its actions and decisions, and offer its views of the appropriate resolution. While such resolution will not be binding on either the consumer or the Member company, each WLIA Member will submit in writing its reasons for rejecting the proposed resolution offered by the WLIA. Any WLIA Member with three or more unresolved complaints may be subject to discipline in accordance with these standards.

XI. WLIA Standards Enforcement Procedure and Sanctions

Any WLIA Member who has three or more unresolved consumer complaints, or who is alleged by a third party or another member to have been in violation of these standards, may be subject to the WLIA self-regulation policy and sanctions. Upon such an allegation or the receipt of the third unresolved consumer complaint, WLIA will seek to establish the facts by interrogatories and other non-intrusive means of fact-finding. The WLIA will then draft a statement of the facts which will be submitted to both parties for comment and correction. Any disputed facts will be identified. As to the agreed facts, WLIA will ask the Member to present a written justification of its actions and to establish their consistency with these standards and its own privacy policy.

The Committee on Standards and Self-Regulation will consider the alleged violation of these standards, will hear both sides' versions of any disputed facts, and will render a recommended decision. If the Member company is adjudged to have violated these standards or its own privacy policy, the Committee on Standards and Self-Regulation may recommend a remedy, and may recommend sanctions to be imposed in the event the Member company rejects the proposed remedy.

Proposed sanctions may include but are not limited to loss of WLIA Member privileges, expulsion from the WLIA, identification by the WLIA to appropriate regulatory authorities, or others as fit the particular nature, scope, and significance of the violation in the view of the Committee on Standards and Self-Regulation.

The recommendation of the Committee will be forwarded to the full Board of Directors. At a regular meeting, the Board of Directors may hear argument or consider written argument as the parties prefer. After argument, the Board of Directors of the WLIA shall vote on imposition of the judgment of the Committee on Standards and Self-Regulation. A vote of two-thirds of the

Attachment 1
DRAFT PRIVACY STANDARDS
Subject to Revision and Approval by WLIA Members
April 6, 2001

members of the Board of Directors is required to impose the Committee's judgment on the Member company accused.

XII. Amendments to these Standards

In accordance with the procedure under which these standards will be reviewed and adopted, they may be changed at any point by recommendation made by the Committee on Standards and Self-Regulation and, after notice to all Members and a minimum of thirty days, approval of the Board of Directors by a two-thirds vote.

Attachment 2

WLIA Privacy Standard Adoption Process

WLIA'S PROCESS TO ADOPT STANDARDS TO PROTECT WIRELESS USER PRIVACY RIGHTS RELATIVE TO SIGNAL LOCATION APPLICATIONS

This presents the step-by-step approach to the creation by the Wireless Location Industry Association (WLIA) of enforceable standards for protecting user privacy, together with the process of achieving the affirmative and demonstrated adherence to those standards of member companies.

WLIA proposes to undertake the following steps:

1. **Prepare draft standards.** Using the FTC's fair information policy standards as an initial guide, the WLIA will prepare by March 7, 2001, a set of DRAFT standards to safeguard user privacy. The standards will present a statement of the duties of wireless location companies with respect to the users of wireless devices. They will deal with (1) determination of and use of precise location data, (2) what is and is not a sufficient mechanism for the expression of user consent to be located or have location information used, (3) policies for the collection and storage of information over time, (4) the extent to which information can be shared with third parties, including law enforcement, without explicit user consent, and (5) allowing users access to the data collected about themselves, among other potential subjects. In addition, the proposed draft will propose an enforcement mechanism: an association process for accepting and dealing with alleged violations of the standards, a procedure for considering allegations and determining facts, and a range of sanctions that will be applied to companies who are alleged and then shown to have violated the standards.
2. **Circulate proposed standards to all members.** WLIA will circulate the draft standards solely to all association members, serving as an ad-hoc Committee on Standards and Self-Regulation, for initial comments. The companies will be asked to think carefully through all of their active and proposed business practices and business models in light of the proposed standards. To the extent that a proposed standard appears to conflict with an existing or proposed business practice, the goal is to identify that conflict early and in full detail. In some instances, companies may use this exercise to rethink their business models and to add features to them that will assure user privacy. In other cases, identifying a conflict may lead the standard itself to be redrafted to make room for business models that do not in fact violate personal privacy. The companies' individual comments and concerns should be submitted to WLIA headquarters by March 14th. The comments will be kept strictly confidential from other companies and interests outside the Association, and WLIA staff will be available to discuss individual company concerns.
3. **Revise the standards in accordance with company dialogue.** After comments are received and incorporated, a Revised Draft Standard will be circulated to all members. This draft will be discussed by members as a group at the WLIA meeting planned for Las Vegas on March

Attachment 2

WLIA Privacy Standard Adoption Process

19th. After that meeting, and after any further necessary dialogue with individual member companies, the proposed draft standards will be revised by WLIA staff and recirculated to all members. At the end of March all members will be expected to have considered and had all necessary input to the standards.

4. **Post Draft Standards for public comment.** In the first week of April, the WLIA Draft Privacy Standards will be posted for public comment on the Association's web-site, and will be sent for comment to a group of respondents including identified privacy issue advocates and experts, wireless media, the FCC staff, the FTC staff, members of the key Congressional staffs, and non-member companies. Non-member companies will be invited to suggest any legitimate non-intrusive business practice that could be interpreted to violate the standards but would not in fact violate a wireless device user's personal privacy. Non-company commenters will also be asked to provide specific examples as to abuses of privacy rights that they believe possible without further toughening of standards. Public meetings and dialogue might be held, for example at the IBC Conference sponsored by WLIA in Washington in April, to allow face-to-face discussion of the standards by members, non-member companies, and other interests.

5. **Final revisions.** After the initial posting has been in place at least two months, all comments received will be submitted to the Association's Committee on Standards and Self-Regulation (which will by that point have been organized). Those suggestions found worthy or seen as improving the draft will be reflected in a redrafted set of standards that will again be posted for a second round of public review and comment.

6. **Company approval process.** After any final comments are submitted and, if approved by the Committee on Standards and Self-Regulation, reflected, the Final Draft Privacy Policy Standards will be submitted to all voting members for an approval vote. If a two-thirds majority of votes of members are cast in favor of the stated policy, it will be deemed to have been accepted. At this point, in order to remain a member in good standing of the WLIA, each member company will agree to abide by the adopted standards, on pain of losing membership privileges, forfeiting its membership, or potentially having the WLIA itself serve as the informant of government agencies of jurisdiction about any violative practices learned of and proven.

7. **Standards Review.** WLIA will continuously review its adopted standards for potential improvements and corrections, and will conduct a formal standards review not less often than every two years, seeking public comment and reviewing the standards in light of the general public experience with the industry, again proactively seeking comment from experts and advocates.